

U.S. DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
ELECTRONICALLY FILED
DATE: AUG 30 2012
FILED:

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MICHAEL S. JOHNSON, DONNA DYMKOWSKI, PATRICIA LONG-CORREA, ANTONIO SAMUEL, VINCENT HALL, ANGELETTE WATERS, Individually, and on behalf of the Class,

Plaintiffs.

-against-

NEXTEL COMMUNICATIONS, INC., a Delaware Corporation; LEEDS, MORELLI & BROWN, P.C.; LENARD LEEDS, STEVEN A. MORELLI; JEFFREY K. BROWN; BRYAN MAZZOLA; and JOHN and JANE DOES 1-9. (a fictitious designation for presently unknown Defendants).

Defendants.

C.A. No. 07 CIV 8473 (GBD) (KNF)

ECF CASE

STIPULATION OF DISMISSAL WITH PREJUDICE

WHEREAS, this litigation was transferred from the United States District Court for the District of New Jersey:

WHEREAS James Vagnini and Frederick David Ostrove were named defendants in the District of New Jersey action but were not served with the operative complaint in that action;

WHEREAS neither Mr. Vagnini or nor Ms. Ostrove were served in this action; and

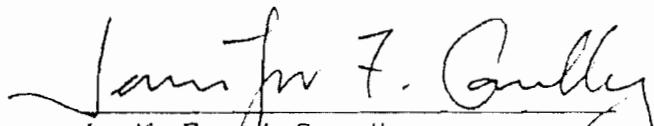
WHEREAS on September 16, 2009, Plaintiffs filed a Notice of Dismissal with Prejudice of their claims against Messrs. Vagnini and Ostrove, but that Notice was not electronically filed and therefore never docketed [see docket entry reflecting filing deficiency dated September 16, 2009, before Docket No. 42];

WHEREAS Plaintiffs intended to dismiss their claims against Messrs. Vagnini and Ostrove with prejudice, with all parties to bear their own fees and costs, and neither Mr. Vagnini nor Mr. Ostrove have objected; and

WHEREAS to preserve Plaintiffs' initial intention of dismissing their claims against Messrs. Vagnini and Ostrove before their appeal of this Court's dismissal of this action to the United States Court of Appeals for the Second Circuit, the parties seek entry of an order dated *nunc pro tunc* September 16, 2009;

NOW, THEREFORE, the parties, by and through their attorneys of record, and pursuant to Fed. R. Civ. P. 41(a)(1)(A)(ii), hereby STIPULATE and AGREE that Plaintiffs' claims against James Vagnini and Frederick David Ostrove are hereby dismissed with prejudice *nunc pro tunc* September 16, 2009, with each party to bear their own costs and fees.

DATED: August 29, 2012



Jennifer Fountain Connolly

HAGENS BERMAN SOBOL SHAPIRO LLP

1629 K St. NW, Suite 300

Washington, DC 20006

Tel: (202) 355-6435

Fax: (202) 355-6455

jenniferc@hbsslaw.com

Counsel for Plaintiffs

DATED: August 29, 2012



Marshall D. Bilder

Jason S. Feinstein

STERNS & WEINROTH, P.C.

50 West State Street, Suite 1400

P.O. Box 1298

Trenton, NJ 08607-1298

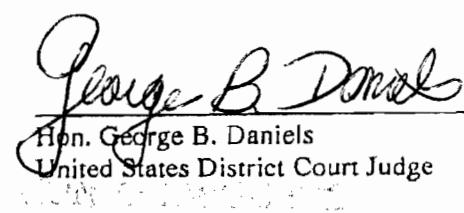
mbilder@sternslaw.com

jfeinstein@sternslaw.com

Counsel for Messrs. Ostrove and Vagnini

SO ORDERED this ____ day of _____, 2012, *nunc pro tunc* September 16, 2009.

AUG 30 2012



Hon. George B. Daniels

United States District Court Judge

U.S. District Court, D.C.